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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JONARY DAVID SANTOS-ANTUNEZ, Defendant.	CR 16-107-BLG-SPW OFFER OF PROOF
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The defendant, Jonary David Santos-Antunez, is charged in count I of the indictment with conspiracy to possess with intent to distribute and to distribute methamphetamine in violation of 21 U.S.C. § 846; in count II of the indictment

with possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1), and in count IX of the with conspiracy to commit money laundering in violation of 18 U.S.C. §924(c)(1)(A)(i).

PLEA AGREEMENT

Santos-Antunez will plead guilty to count I of the indictment. The United States presented all formal plea offers to Santos-Antunez in writing. The plea agreement entered into by the parties and filed with the Court represents, in the government's view, the most favorable offer extended to Santos-Antunez. *See Missouri v. Frye*, 566 U.S. 133, 146-147 (2012).

ELEMENTS OF CHARGE

In order for Santos-Antunez to be found guilty of the charge of conspiracy to possess with intent to distribute and distribute methamphetamine as charged in count I of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, there was an agreement between two or more people to distribute methamphetamine or to possess methamphetamine with intent to distribute methamphetamine; and

Second, the defendant entered the agreement knowing of its objectives and intending to accomplish at least one of those objectives.

Additionally, while not a formal element of the offense, the government would also have to prove beyond a reasonable doubt that the conspiracy involved

500 or more grams of a substance containing a detectable amount of methamphetamine.

PENALTY

Count I carries a penalty of a mandatory minimum ten years to life imprisonment, a \$10,000,000 fine, five years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

In the summer of 2015, members of the Eastern Montana High Intensity Drug Trafficking Area task force and FBI Big Sky Safe Streets Task Force began investigating a methamphetamine trafficking organization in the Yellowstone County area involving individuals both in and out of state. Based upon the information obtained from the investigation, agents learned that Hispanic males were transporting multi-pound quantities of methamphetamine from California to Montana for re-distribution to numerous local distributors, including the defendant. Law enforcement were unable to identify Santos-Antunez until the spring of 2016.

In April 2016, agents approached S. K-M., a co-conspirator who pleaded guilty and was sentenced for being a member of this drug conspiracy. S. K-M.

was in a relationship with one of the co-conspirators from California. She identified other members of California group, including Santos-Antunez by his nickname “Catachro.”

Later in April 2016, agents interviewed another co-conspirator, M.L., who pleaded guilty and was sentenced for being a member of this drug conspiracy. M.L. identified Santos-Antunez as a member of the conspiracy by the name of “David.” She described “David” as a Hispanic male that would travel with other Hispanic males from California to Billings bringing methamphetamine to Billings for distribution.

Two months later, on June 9, 2016, a confidential source contacted law enforcement and advised that he/she had been contacted by “Catachro” who was in Billings with another co-conspirator, K. T-O., looking for “workers,” meaning people that would distribute methamphetamine. The confidential source met “Catachro,” K.T-O., and a third Hispanic male in a public place. The source provided a photograph of “Catachro.”

Later in June 2016, agents obtained a ping warrant for a phone connected to the conspiracy and located the phone at the Rodeway Inn. When agents arrived at the Rodeway Inn, they found a vehicle with Big Horn County plates occupied by three Hispanic males. The agents followed the vehicle until it met up with

another vehicle, a Dodge Durango, with Big Horn County plates occupied by a fourth Hispanic male. Agents identified “Catachro” from the photograph obtained from the source.

Agents also identified a Facebook page connected to “Catachro.” The profile “Catachro ESSJ” was registered under the name “Yonary David Santos.” Agents then used databases to identify “Yonary David Santos” as Santos-Antunez with a residence in San Jose, California.

On June 25 through 27, 2016, agents monitored the location of the phone from Billings to Santos-Antunez’s residence in San, Jose, California. The phone was frequently in contact with another phone number that agents determined was in a residence in Crow, Agency, Montana, belonging to M.R.B., a co-conspirator who pleaded guilty and was sentenced for being a member of this drug conspiracy. Agents learned that the Dodge Durango was registered to another co-conspirator, M.M., a Hispanic male from San, Jose, using M.R.M.’s Crow Agency address. Law enforcement in San Jose went to Santos-Antunez’s and found the Dodge Durango with Big Horn County plates.

On June 29, 2016, law enforcement obtained historical cellular telephone records for the cellular phone believed to belong to Santos-Antunez because the person using the phone identified himself as “David” and “Catachro.” Analysis

of the text messages on the phone revealed conversations between Santos-Antunez and known members of the conspiracy about distribution of methamphetamine and collection of drug debts.

On September 20, 2016, M.R.M., the owner of the Crow Agency residence, was interviewed about her role and the role of others in the drug conspiracy.

M.R.M. described Santos-Antunez, whom she identified as “David Santos” as the right hand man of the boss of the conspiracy. M.R.M. described Santos-Antunez accurately as a Honduran national, and she provided the correct cellular telephone number known by agents to be used by Santos-Antunez. M.R.M. confirmed that Santos-Antunez transported methamphetamine for the organization from California to Montana. A review of M.R.M.’s phone confirmed her relationship with Santos-Antunez.

On October 13, 2016, law enforcement searched M.R.M.’s residence in Crow Agency. She was there with K.T-O. She was again interviewed and admitted that she was in a relationship with K.T-O. K.T.-O. introduced her to two other Hispanic males, one of them being Santos-Antunez, that were dealing methamphetamine in Montana. M.R.M. started out by obtaining small amounts of methamphetamine from all of them, including Santos-Antunez, but her role expanded to distributing, storing, and packaging methamphetamine. M.R.M.

worked at Sarpy Storage during the conspiracy, and she allowed Santos-Antunez and his associates to store methamphetamine in a unit. When they, including Santos-Antunez, needed methamphetamine to distribute, she would retrieve it from the storage unit. M.R.M. estimated that she assisted in storing five pounds of methamphetamine. M.R.M. also received methamphetamine at her PO Box in Crow Agency. She admitted picking up one package of methamphetamine from her PO Box but also admitted that others in the organization, including Santos-Antunez, could have picked up packages of methamphetamine from the PO Box because she gave them a key. M.R.M. received four ounces of methamphetamine as payment and sold that methamphetamine.

K.T-O. was interviewed on October 13, 2016. He admitted that he was in a relationship with M.R.M. and had lived with her for approximately eight months. K.T-O. eventually admitted that he was working with a drug trafficking organization out of San Jose, and he admitted that he received five or six one-pound packages of methamphetamine in the mail that he delivered to the other co-conspirators, including Santos-Antunez, for distribution. K.T-O. also admitted distributing methamphetamine, and he described his role as working for Santos-Antunez.

A number of other co-conspirators, most of whom pleaded guilty and sentenced for their role in the conspiracy, identify Santos-Antunez as a member of the conspiracy. Phone records obtained during the investigation, in addition to the ones described, confirm Santos-Antunez's connection to this conspiracy and the distribution of well over 500 grams of a substance containing a detectable amount of methamphetamine in the Billings area.

DATED this 15th day of March, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney